

Barneys Canyon Mine
8200 South 9600 West
P.O. Box 311
Bingham Canyon, UT 84006-0311
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Robert J. Ramsey
General Manager

Wayne - route to mine feb
M/035/009

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DIVISION OF
OIL, GAS & MINING

Kennecott

November 30, 1990

Don A. Ostler, P.E., Director
Bureau of Water Pollution Control
Department of Health
288 North 1460 West
P. O. Box 16690
Salt Lake City, Utah 84115-0690

RE: Ground Water Discharge Permit - Barneys Canyon Leach Facility

Dear Mr. Ostler:

I have reviewed your letter of November 5, 1990, discussing ground water discharge permits as related to leach pad construction at the Barneys Canyon Mine as well as the Utah Ground Water Quality Protection Regulations of August 1989.

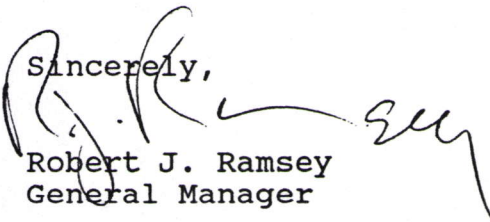
A Construction Permit from the Utah Water Pollution Control Committee for the Barneys Canyon heap leach facility, consisting of seven pads, was issued on March 24, 1989 with construction commencing in April of 1989. The Construction Permit, which was issued pursuant to the Permit to Mine from the Division of Oil, Gas and Mining, defined specific design and construction criteria, the approximate location and operational considerations for each component pad and, as recommended by your staff, a schedule for substantially continuous leach pad construction at the site. The permit also included specifications (equivalent to the requirements specified in R448-6-6) for ground water monitoring, reporting and compliance.

Since the leach facility was under construction prior to the effective date of the Regulations, the facility is an existing facility as defined in R448-6-1.12. The Preamble to the regulation in Section 2-5 (Implementation) clarifies permitting requirements in stating: "It is not intended that separate permit applications would be required to obtain both a ground water discharge and construction permit from the Water Pollution Control Committee." Section 2.3 (Permit by Rule) of the Preamble supports this position in stating: "Those activities which pose little or no threat to ground water quality or are permitted by other state agencies, are granted permits by rule."

Since the leaching facility, including its present and future pads, is an existing facility for which a Construction Permit was previously issued with specific ground water monitoring, reporting and compliance requirements, I believe no ground water discharge permit applications are required for the ongoing construction of leach pads. While it is an existing facility, a specific ground water permit should not be required at a future date other than a permit by rule, since ground water protection, equivalent to the referenced regulation, is already addressed in the Construction Permit. In addition I believe the ground water discharge permit application requirements specified in R448-6-6.3 were also satisfied in the Construction Permit application dated February 10, 1988.

Should you or your staff wish to discuss this matter further, please contact me at 569-7200 or contact David Skolasinski of Kennecott's Corporate Environmental staff at 322-8347.

Sincerely,


Robert J. Ramsey
General Manager

cc: T. B. Braun
D. Z. Skolasinski
R. E. Pierce
Kent L. Miner (Salt Lake County)
Lowell Braxton (Division of Oil, Gas and Mining)